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(HANSARD)

Wednesday, October 17, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, October 17, 2018

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

STARTUP CANADA DAY ON THE HILL

Hon. Colin Deacon: Honourable senators, many of you have some idea how passionate I am about innovation, start-ups and entrepreneurship. That is why you will understand I am pleased to stand and tell you today about Startup Canada Day on the Hill. It brings together entrepreneurs, innovators, investors and government officials to talk about how to accelerate Canada's ability to innovate and compete.

Start-ups are central to our future, especially in Atlantic Canada. Let me provide some perspective. Employment in Atlantic Canada had flatlined for more than a decade, certainly in Nova Scotia. That means no net new jobs — every job created just replaced a job lost. Senator Christmas co-authored an important study of this problem, the Ivany report, which made many recommendations.

In stark contrast, Atlantic Canadian start-ups are now adding exciting and inspiring jobs at a remarkable rate, growing their employment base by 26 per cent last year alone. Their employment growth is fuelled by sales growth, mainly in export markets, up by 73 per cent last year alone.

But statistics only tell part of this story. Many of you have heard about the Hadhad family, refugees sponsored by Senator Coyle's community of Antigonish. Tareq Hadhad's family chocolate business was bombed, and they were forced to flee Syria. Following three long years in a refugee camp and within weeks of arriving in Antigonish, they were already making chocolate in their kitchen and selling it at the local farmers' market. This year it looks like Peace by Chocolate looks like will double their employment to 50 people in the community of Antigonish.

One more story, about Barb Stegemann. This journalist became an unexpected entrepreneur when her best friend, Captain Trevor Greene, was severely injured by a member of the Taliban, who put an axe in his head in Afghanistan in 2006. It was a horrific event that I am sure we all recall.

Barb was determined to continue her friend's mission to build peace and found her way when she learned about Abdullah Arsala, an Afghani man who was encouraging farmers to switch from growing poppies for opium to growing orange blossoms and roses for perfume. Barb's start-up was born, making perfume from essential oils sourced from countries rebuilding after war or strife and offering farmers a fair trade and sustainable source of income.

Barb launched 7 Virtues Perfume with her Visa card in her garage and eight weeks later became the first Atlantic Canadian woman to land a deal on "Dragons' Den" on CBC. Importantly, Brett Wilson not only became Barb's investor but her mentor, too, providing critical advice and support.

Today Barb has expanded her work to more than six countries, including Haiti and Rwanda. And Abdullah Arsala, her first supplier, earns twice as much as he could have in the illegal poppy trade. Other suppliers, like Nicholas Hitimana in Rwanda, now earn three times what they otherwise could make.

Honourable senators, that is the power of start-ups. And those are just two little stories.

Tareq Hadhad, Brett Wilson and entrepreneurs from 50 communities across our country will be at Startup Canada Day on the Hill tonight and tomorrow. I hope you will be able to join these exceptional Canadians. Thank you very much.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation of Indonesian parliamentarians, headed by His Excellency Teuku Faizasyah and Mr. Andreas Susetyo. They are the guests of the Honourable Senator Oh.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

CANADA-INDONESIA RELATIONS

Hon. Victor Oh: Honourable senators, I rise today to commemorate 70 years of Canada-Indonesia relations. Though the diplomatic relations formally began on October 9, 1952, our relations started in 1948, during Indonesia's struggle to gain international recognition for its independence.

Like Canada, Indonesia has diverse ethnicity, with more than 300 local languages. Like Canada, Indonesia is a member of the G20, and it is the largest economy in Southeast Asia. It is one of the world's major emerging economies and has become a powerhouse within the ASEAN region. With over 250 million inhabitants, Indonesia is Canada's largest trading partner and top destination for investment in the region.

I am very encouraged by the opportunities I have seen here to expand our trade and investment with ASEAN in the years ahead. I know I can count on Indonesia and the rest of the region to continue working with Canada to help create new sources of jobs and prosperity for people in both countries.

Today I would like to take this opportunity to congratulate His Excellency Ambassador of the Republic of Indonesia Teuku Faizasyah on completing his tenure in Canada. Ambassador Faizasyah is with us today. Ambassador, I hope you can take satisfaction in knowing that your devoted service and dedication have greatly strengthened Canada-Indonesia relations and people-to-people ties.

Today I would also like to convey my sincere sympathy to Indonesian people affected by the September 28 earthquake and tsunami that struck Sulawesi island. Our prayers are with the families of those affected by this natural disaster. The Indonesian government has done a tremendous job of rescuing and relieving victims of the magnitude 7.5 earthquake, which caused liquefaction and generated a 10- to 20-foot-high tsunami. The death toll currently stands at 2,073, and more than 65,000 houses have been damaged, according to the Indonesian National Board for Disaster Management.

• (1410)

In this time of need, Canadians are standing with them. Our military Hercules plane, loaded with shelter kits and other relief supplies, is on its way to Indonesia. Organizations such as Mission Aviation Fellowship of Canada, MAF, and CARE Canada are also facilitating humanitarian aid efforts on the ground. MAF is delivering food and full planes of medicine, doing medical evacuations and flying doctors in and out of communities cut off by damaged roads. CARE Canada is providing life-saving drinking water, shelter and proper sanitation, with a focus on the specific impacts on women and girls.

A friend in need is a friend indeed. As co-chair of the Canada-Indonesia Parliamentary Friendship Group, I once again welcome the dedication of the Indonesian parliamentarians and look forward to continuing to promote Canada's important people-to-people trade and investment relationships with Indonesia. Thank you.

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Hon. Kim Pate: Honourable senators, today, on the International Day for the Eradication of Poverty, I want to acknowledge the work of Canada Without Poverty, Citizens for Public Justice and members of the local community who are gathered on Parliament Hill this afternoon for the Dignity for All campaign's sixth annual Chew on This! event, calling for a national action plan to end poverty.

People in more than 100 communities from Nanaimo to St. John's and Windsor to Iqaluit are talking today about Opportunity for All, the first-ever national anti-poverty plan — a plan which, if fortified by a strong human rights legislative framework and fully funded in future budgets, could ensure that everyone in this country has access to adequate standards of living.

Our Charter and our international obligations guarantee equality of opportunity and access to resources, but that has not been the reality for millions of Canadians who live in poverty.

[*Translation*]

It's time to rectify the significant economic, social, racial and gender inequalities that have persisted in Canada for so long.

[*English*]

We see the worst effects of this inequality in Indigenous communities.

As we strive to fulfill our senatorial mandate to redress marginalization and impoverishment in our society, I urge that we keep at the centre of our discussions and actions the need for a guaranteed livable income and Canada's commitment to the United Nations Sustainable Development Goals to not merely reduce or alleviate but to eliminate poverty.

Canadian and international projects have taught us that the guarantee of a viable, livable income — supported by strong, continued investment and publicly funded health care, education and social programs — improves mental and physical health, lowers health care costs, lowers crime rates and the costs of courts, police and correctional services, and increases public safety.

A guaranteed livable income could mean the difference between investing in our people and communities rather than in our prisons and courts, and the benefits of such an investment are evident in terms of saving taxpayers' money, creating a stronger social safety net, and building healthier and safer communities, not to mention more fair and just communities for all.

[*Translation*]

Let's be courageous enough to make the ambitious changes that will finally eradicate systemic inequality.

[*English*]

Let us provide for all what we so commonly take for granted — a viable, livable income for all — and let us truly work to end poverty in Canada. Thank you. *Meegwetch*.

NOBEL PEACE PRIZE

CONGRATULATIONS TO NADIA MURAD AND DENIS MUKWEGE

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to ask you to join me in honouring this year's co-recipients of the Nobel Peace Prize.

On October 5, 2018, Dr. Denis Mukwege and Ms. Nadia Murad were recognized by the Norwegian Nobel Committee with this prestigious award. In the words of the committee, both recipients were acknowledged "for their efforts to end the use of sexual violence as a weapon of war and armed conflict."

Dr. Mukwege embodies the selflessness and courage that defines those who work on the front lines in conflict zones. Dr. Mukwege is a gynecological surgeon and founder of the Panzi Hospital in Bukavu in the Democratic Republic of Congo. While his hospital began as a clinic offering gynecological and obstetric care, it soon evolved to provide surgical, legal and psychosocial services to survivors of rape and other forms of sexual violence.

I should say that some members of the Standing Senate Committee on Foreign Affairs and International Trade visited that hospital many years ago. This gentleman continues to work, despite odds that are incredible and unknown to us.

Upon receiving this recognition, Dr. Mukwege stated:

> To the survivors from all over the world, I would like to tell you that through this prize, the world is listening to you and refusing to remain indifferent. The world refuses to sit idly in the face of your suffering.

Ms. Nadia Murad is a survivor and human rights activist. In 2014, Ms. Murad spent three months in the captivity of the so-called Islamic State in Iraq. She was severely beaten and repeatedly raped — a fate shared by countless Iraqi Yazidi women and girls. Since her escape, Ms. Murad has committed to sharing her story in an effort to draw attention to the plight of the Yazidi people in Iraq. In doing so, she has become a champion for other survivors.

In the words of Ms. Murad:

> We must not only imagine a better future for women, children and persecuted minorities, we must work consistently to make it happen — prioritizing humanity, not war.

The award will be presented to both recipients on December 10 in Oslo.

Honourable senators, let us join in recognizing Dr. Mukwege's and Ms. Murad's bravery. May their resilience, courage and dedication continue to inspire and encourage us to work together to end the use of sexual violence as a weapon of war.

Hon. Senators: Hear, hear!

EQUAL RIGHTS COALITION

GLOBAL CONFERENCE ON LGBTI HUMAN RIGHTS AND INCLUSIVE DEVELOPMENT

Hon. Grant Mitchell: Honourable senators, this summer I had the pleasure of attending the Equal Rights Coalition Global Conference on LGBTI Human Rights and Inclusive Development in Vancouver. Our colleagues Senators Cormier and McPhedran were there as well.

The Equal Rights Coalition is an international organization. It was created in 2016 and is currently co-chaired by Canada and Chile. The ERC has 36 member states, which support the advancement of LGBTI rights in both their own countries and internationally. The conference included state representatives, non-governmental organizations and civil rights activists.

The thorough discussions that took place during the conference led to a series of member state commitments, among others, to work to include LGBTI people in development, civil society and the workplace, and to maintain an ongoing discourse and sharing of knowledge that might help us all to further advance the rights of LGBTI people.

Among the attendees were activists from countries where people are persecuted for their expression of their identities. I had the privilege of speaking personally with some of these courageous people who have come so far despite daunting odds and terrifying challenges. Their stories are tragic, powerful and inspiring.

Canada has made commendable strides in honouring the rights of LGBTI people. I think we should be proud of how far we have come. However, to paraphrase Minister Freeland's speech at the conference, this pride must also be tempered by humility as we recognize how much work is still left to do. Canada has a critical role to play wherever we can to promote and advance the rights of LGBTI people to help them realize and achieve the rights that are inherently theirs. Our participation in the Equal Rights Coalition is an important step in doing that.

• (1420)

ROUTINE PROCEEDINGS

INDIGENOUS AND NORTHERN AFFAIRS

TLICHO LAND CLAIMS AND SELF-GOVERNMENT AGREEMENT 2010-11 TO 2014-15—REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the annual report of the Tlicho Implementation Committee: Tlicho Land Claims and Self-Government Agreement 2010-2011 to 2014-2015.

INUVIALUIT FINAL AGREEMENT CONSOLIDATED REPORT OF THE IMPLEMENTATION COORDINATING COMMITTEE 2013-14 TO 2015-16—REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Inuvialuit Final Agreement Consolidated Report of the Implementation Coordinating Committee 2013-2014 to 2015-2016.

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 23, 2018, at 2 p.m.

[*English*]

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 23, 2018

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 23, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

EMANCIPATION DAY BILL

FIRST READING

Hon. Wanda Elaine Thomas Bernard introduced Bill S-255, An Act proclaiming Emancipation Day.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Bernard, bill placed on the Orders of the Day for second reading two days hence.)

THE UNITED CHURCH OF CANADA ACT

PRIVATE BILL TO AMEND – FIRST READING

Hon. Peter Harder (Government Representative in the Senate) introduced Bill S-1003, An Act to amend The United Church of Canada Act.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO HOLD OCCASIONAL IN CAMERA MEETINGS

Hon. Gwen Boniface: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, notwithstanding rule 12-15(2), the Standing Senate Committee on National Security and Defence be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information in relation to its study.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Foreign Affairs and International Trade have the power to meet on Tuesday, October 23, 2018, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[*Translation*]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO HOLD OCCASIONAL IN CAMERA MEETINGS ON STUDY OF BILL C-58

Hon. Serge Joyal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, notwithstanding rule 12-15(2), the Standing Senate Committee on Legal and Constitutional Affairs be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information in relation to its study on Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, as authorized by the Senate on June 6, 2018.

[*English*]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Diane F. Griffin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, October 23, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Fabian Manning: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, October 23, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

HEALTH

SOCIAL MEDIA CAMPAIGN

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, as today is an important day in the history of Canada, I thought I would ask the Leader of the Government a question related to marijuana.

It concerns the federal government's social media campaign surrounding the legalization of marijuana. The cannabis program manager at the Alberta Gaming, Liquor and Cannabis Commission recently spoke to the *Edmonton Journal* about the province's public education campaign and stated:

> We've had some challenges with social media. Facebook doesn't like to talk about cannabis because Facebook is an American company.

The social platforms used by the government for its campaign are predominantly American, where marijuana remains illegal federally. Some are owned by the same company — for example, Instagram is owned by Facebook — and would have similar policies regarding advertising about drugs.

• (1430)

My question for the government leader is this: Has the federal government experienced similar issues as the Province of Alberta with promoting its social media campaign on Facebook?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his commemoration of this first day of legal and strictly regulated marijuana. I know it will be of personal interest to him.

Let me also say that the leadership Canada has shown in respect of this issue — that is to say, legalization and strict control — has been noted. *The Financial Times of London* today, for example, quotes a former Canadian Prime Minister, whom I had the pleasure of serving both as an official and in a political capacity, as saying:

> I think the Canadian leadership position on this will be quite widely admired around the world . . .

— and —

> . . . meets . . . both a medical need and a social need.

Prime Minister Mulroney was speaking to the kind of leadership role Canada is playing and in transforming this issue from its historic "just say no" approach that has been proven to be a failure.

Clearly, social media is part of the ongoing education campaign because that's where the target market, if I can put it that way, for so much of the consumption rests. The Government of Canada is actively pursuing a social media campaign. I would be happy to update all senators on that campaign.

With respect to the particular quotes with regard to Facebook, I will make inquiries. I am unaware of that.

EDUCATIONAL PROGRAMMING

Hon. Larry W. Smith (Leader of the Opposition): Thank you.

During testimony that we had with the ministers here, we, and I personally, spent some time on the educational program because of the history from Washington and Colorado and some of the recommendations they made. The purpose of the questions is to ask you to follow up. We would really like to see feedback.

We've had the minister in a couple of times. I'm not sure if she is hesitant about it, but we need to have some follow-up in terms of the educational program and dealing with the Indigenous population. We had a group of young people here in the spring, and I think both you and I were there talking to them. Most of them said they really had not seen or heard anything at the time about a serious education program for Indigenous people. It would be really advantageous for us to track it so we can see, as the implementation unfolds, the benefits of the educational program.

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. Given we both attended the event, I share with him the concern that particular Aboriginal youth play. I do know that this morning, ministers reported to Canadians on the state of readiness and the work being done both in cooperation with other levels of government — provincial and territorial — as well as important stakeholders on the educational program and others.

I should also note that in the coming weeks for Senate Question Period I expect to have both the Minister of Health and Minister Blair, the minister responsible for public safety in the implementation of this bill, appear before this very chamber.

PROMOTIONAL CAMPAIGNS AND EVENTS

Hon. Judith G. Seidman: My question for the government leader today concerns questionable promotional events and advertising campaigns undertaken by licensed marijuana producers, which have been widely reported by the media.

In July, Health Canada released a statement saying that the department was reviewing the actions of these licensed producers. The statement also said that those who do not adhere to the applicable advertising prohibitions will face serious consequences, which may include suspension of their licence.

Senator Harder, can you please tell us if Health Canada has taken enforcement action against these activities by licensed producers? If Health Canada has indeed taken action, what form did that censure take? If the department has not done so, why not?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. She is reflecting the deep and real concern by the Government of Canada that the legislation we passed in this chamber and in the Parliament of Canada with regard to the promotion of cannabis consumption is adhered to. This is a process that has brought, as the honourable senator's question suggests, some issues to the attention of the government. It is examining those and, I can assure you, will take action when and if required. I would be happy to provide an update to the honourable senator with respect to actions that may or may not have been taken.

Senator Seidman: In its report on Bill C-45, the Standing Senate Committee on Social Affairs, Science and Technology urged the federal government to impose a moratorium on loosening the regulations on the branding, marketing and promotion of cannabis for 10 years. This observation was rooted in testimony from Drug Free Kids Canada, who told our committee that it would take at least that long to measure the true societal impact of the legalization of marijuana on youth.

Senator Harder, what is the federal government's response to this particular observation from our committee regarding marijuana branding, marketing and promotion?

Senator Harder: Again, I will undertake to have an official response with respect to the observation being referenced. Let me assure all senators, and the questioner in particular, that the Government of Canada is giving vigilant attention to the appropriate implementation of this bill, as passed, so it meets the expectations of parliamentarians on all sides that it be respectful of the law.

[*Translation*]

JUSTICE

REGULATORY FRAMEWORK OF CANNABIS SECTOR

Hon. Éric Forest: Honourable senators, my question is for the Leader of the Government in the Senate. During the debate on the legalization of cannabis, I criticized the government's inflexibility in dealing with provinces that wanted to ban home growing. At the risk of ending up in the courts, and against the advice of the police forces, municipalities, provinces and territories calling for greater flexibility, the government dug in its heels on home growing, claiming that it would be another tool to combat the illicit market. The Government of Canada approved the legalization of cannabis. The provinces and municipalities are responsible for implementing it. We are in two different worlds.

I still believe Bill C-45 was necessary, both for public health reasons and to cut off organized crime's revenue stream. Nevertheless, the government's failure to get its act together is deplorable. If we really want to deal a crippling blow to organized crime, how can websites selling edibles continue to operate with impunity, as Radio-Canada revealed? I understand that it can be hard for the police to stop these websites, but I don't understand how they can operate hand in hand with Canada Post, which apparently does nothing at all to monitor the contents of packages or verify the age of recipients. What does the government have to say to Canadians who support its cannabis legalization policy in principle but who are concerned about this inconsistency and incoherence?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. It is multifaceted in its nature.

Let me remind all honourable senators that even in the debate we had here with respect to the framework of the legislation, it is not incoherent. It does provide both a framework and flexibility for provincial and territorial governments to, within the framework of the legislation, make decisions appropriate for their jurisdictions.

That framework was endorsed by Parliament and guides the actions of all levels of government as of today.

Further, this period from Royal Assent to proclamation day has been one of intense consultation and coordination at intergovernmental levels but also with police and enforcement communities. That work is all in aid of ensuring that we go forward in a fashion that strictly adheres to the regulatory framework and legal prohibitions and regulations adopted in this chamber and in Parliament.

With regard to the particular situation that you reference in the report in Quebec, I will have to make inquiries of the officials concerned, but I want to assure all senators that this process of implementation is seeing high levels of coordination amongst all levels of the enforcement community, because they all have an interest in ensuring that this regime improves on the frankly tragic levels of crime and ineffective enforcement of the previous non-legal position of cannabis consumption.

• (1440)

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

FOREIGN INVESTMENT IN CANNABIS INDUSTRY

Hon. Donna Dasko: Honourable senators, on this historic day for Canada, my question is for the Government Representative in the Senate.

According to an October 11 report in *The Globe and Mail*, the American tobacco giant Altria, which is the owner of Philip Morris, is set to purchase a minority position in the Canadian cannabis producer Aphria with a view to eventually taking control of the Canadian firm. This is a troubling development.

Is the Government of Canada concerned that big tobacco may be moving to take control of Canadian cannabis companies, and how can and how will the government deal with this very troubling development?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. Senators will know that in the bill passed in this chamber of Parliament, there were very strict legal prohibitions and requirements for entry into the market of corporate entities, both on the disclosure side and the good governance side. The Government of Canada will be monitoring and enforcing the prescribed rules vigorously to ensure that this marketplace adheres to all of the requirements that we have imposed as a government and as Parliament has directed.

[*Translation*]

PUBLIC SAFETY

ORAL FLUID DRUG SCREEN DEVICES

Hon. Pierre-Hugues Boisvenu: My question is also for the Government Representative in the Senate. Senator Harder, according to media reports, the Dräger Drug Test 5000, the only screening device approved by the federal government, your government, to conduct roadside tests, has become highly controversial. Police forces in Vancouver, Trois-Rivières and right here in Ottawa, to name just a few, have refused to use the device because of its inaccuracy. Global News reports that in Australia, where the device is commonly used, it gave accurate results only two thirds of the time. False positives occur between 30 and 35 per cent of the time, so those results cannot be used in court. On top of that, the temperature must be at least 5 degrees Celsius for the device to work. Half, if not three quarters, of Canada is -5 degrees Celsius for about six months of the year.

The Minister of Justice appeared before us and said that she hoped to eventually acquire other kinds of devices. My question, Senator Harder, is this: When will the minister approve other, more reliable screening devices, and why did the minister approve just one device that is reliable only 60 per cent of the time?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I hope it implies his support for the implementation of Bill C-46 and the strict enforcement provisions of this act that he opposed when it came forward.

I want to assure all honourable senators, as the ministers have repeatedly indicated, of the importance they attached to the new capacity of law enforcement to test with oral examinations. The implement that is referenced is actively used in, I believe, 40 jurisdictions internationally. It is being used in Canada.

As the minister indicated as recently as this morning, other instruments are in the process of being examined for approval. The National Research Council itself has been engaged in this. As we are more vigorously enforcing a problem of drug abuse that has been with us for a long time, we must recognize that it is an important modernization of the enforcement capacity in order to ensure that our streets and roads are safe.

[*Translation*]

Senator Boisvenu: Senator Harder, you know that road safety is what matters to the public. We also know that there is a difference between an officer who can stop a vehicle and administer a test and the evaluating officer who is at the station and who will take the tests further. You recently gave us data on the training of these evaluating officers, who are absolutely

needed for bringing cases before the courts. Between 2015 and 2018, according to your information, the RCMP trained only one expert in Nunavut — and we know that Nunavut is a large territory — only one in New Brunswick, 11 in Manitoba, two in the Northwest Territories, and one in Yukon. Today, as marijuana becomes legal, we are short roughly 3,000 evaluating officers in order to do the job properly in Canada.

Senator Harder, I would like you to explain to me why we are seeing such a lack of preparation on the day the drug is legalized.

[*English*]

Senator Harder: I thank the honourable senator for his question. It is one he has been asking for about a year.

Senator Martin: He has not had an answer yet.

Senator Harder: Let me simply say that the Government of Canada has been working with the provinces and with the enforcement community. The chiefs of police of Canada have said that they are ready for enforcement of this bill. We look forward to the ongoing improvement of the enforcement capacity brought on by Bill C-46, which didn't get the rapid treatment I would have wished for so that the enforcement actions could have been taken sooner.

Having said that, I want to assure all senators and Canadians that the law enforcement community is improving its capacity to implement this legislation. It is an important contribution to ensuring that our streets and homes are safe.

[*Translation*]

CANNABIS REGULATIONS

Hon. Jean-Guy Dagenais: My question is for the Government Representative in the Senate. As of today, Canadians can smoke marijuana. You already know what I think of this ill-conceived legislation. As of today, what is even more serious is the incoherence of the Criminal Code concerning a driver who is stopped by the police because he or she is suspected of driving after smoking cannabis. In the case of alcohol, the 0.08 blood level applies, and charges can easily be laid. There is no mention of cannabis in the law. As the Minister of Justice, Ms. Wilson-Raybould, stated last week, this will be dealt with on a case-by-case basis. That is not going to work in court, especially since cannabis remains in the body for 28 days. I believe this is going to make lawyers rich.

The main value of a law is its enforcement. Can the Leader of the Government tell us how Canada's police are going to enforce this law and how they will decide whether a driver has smoked too much cannabis?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. It gives me the opportunity to remind all senators that the legislation which we did pass, Bill C-46, does provide the most modern and up-to-date approach to the enforcement of drug-impaired driving. That implementation is in process. It has already begun, and what we learn from our experience will lead to further refinement.

I should also reference that Mothers Against Drunk Driving not only supported the legislation but recently gave an award to the minister responsible for her outstanding contribution in ensuring that our legislation was modernized to deal with this reality, irrespective of cannabis legalization and drug-impaired driving.

[*Translation*]

Senator Dagenais: Mr. Leader of the Government, statistics from Colorado show that, since the legalization of marijuana, 20 per cent of drivers involved in fatal accidents had consumed cannabis. Although these figures are available, the current government chose not to give police officers and Crown prosecutors the tools they need to convict offenders. I am anxious to see our statistics a year from now. Under the current conditions, police officers will take action based on what they see and smell in a vehicle. This is ridiculous.

Can you explain why our government did not follow Colorado's example and introduce legislation to prohibit individuals from operating a motor vehicle if they have more than 5 nanograms of THC per millilitre of blood?

[*English*]

Senator Harder: I thank the honourable senator for his question. The Government of Canada is taking a Canadian approach to this matter. That is not at all surprising given the jurisdictional issues involved in our country. As well, it provided the science and guidance in the law, which the law enforcement community now has.

• (1450)

I should also point out that the ministers are giving high attention to the requirements for the coordination of the enforcement. In their recent meeting, the chiefs of police indicated their support and readiness to implement, as I referenced earlier. However, I would remind the senators — and we debated this when the legislation was before us — that before the implementation of legalization, there was a higher rate of drug-impaired disasters on our highways than of alcohol-related disasters. But it was unattended because there was no legal framework to deal with it. We now have that legal framework in Bill C-46, and I'm delighted that we have it.

HEALTH

CANNABIS EDIBLES

Hon. Paul E. McIntyre: Honourable senators, my question for the government leader concerns marijuana edibles, which were not included under Bill C-45. In recent months, there have been well-publicized cases of very young children consuming marijuana-infused gummy bears and marijuana chocolate bars and subsequently requiring hospitalization.

In 2017-18, according to the Canadian Institute for Health Information, 24 children under the age of five ended up in the ER due to marijuana poisoning. That number is only for the provinces of Alberta and Ontario.

Leader, the government committed to regulating edible products and concentrates no later than 12 months after the coming into force of Bill C-45. What is the government doing to meet this commitment and keep edibles away from children?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The problem he is raising predated today's date and the implementation of Bill C-45, which we had in this chamber. Let me say that making legal and strictly regulating the consumption and distribution of cannabis and having educational programs targeted to the youth — where we lead the world in consumption — are all concerns that motivated the government's decision and ultimately Parliament's endorsement. The situations that have been raised in the question, tragic as they are, all predate the regime that started today.

The government is committed to enforcing the regime of today, and that is one that prohibits edibles. The enforcement community has the tools available to do just that, and I want to assure all Canadians that the Government of Canada is intent on working within its jurisdiction and across jurisdictions with enforcement communities, wherever they are, to ensure that the law is enforced.

With respect to edibles, the honourable senator is exactly right; edibles will not become part of the legal regime for a year.

Senator McIntyre: My supplementary is a follow-up to a question raised by Senator Forest regarding websites in Canada that are illegally selling marijuana edibles. While the government has said it is up to the police to intervene and shut down these websites, the RCMP has said that it is up to other agencies to make that determination, including Health Canada.

Leader, could you inquire and inform us what action, if any, Health Canada has taken to shut down these black market suppliers that are currently operating in direct violation of the law?

Senator Harder: Again, I thank the honourable senator for his question. I would be happy both to make that inquiry and to acknowledge again that in the coming weeks I hope to have the ministers responsible for implementing this legislation before us so that the questions you posed can be addressed directly to this chamber.

[*Translation*]

PUBLIC SAFETY

CANNABIS REGULATIONS

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Cannabis NB, which is run by the Government of New Brunswick, is one of the new cannabis vendors in Canada.

The Cannabis NB website is full of questionably subtle invitations to consume cannabis alone or with friends, to unwind or to enhance performance, all accompanied by photos of young adults.

The following is posted on the website, and I quote:

> Although many consume cannabis alone, more and more are getting together with friends for different occasions. It could be the weekly poker game, girls' night out, or a concert with the whole group. It could even be video chatting with your friends from the comfort of your own home.

This sort of trivialization of cannabis clearly goes against the Trudeau government's objective to reduce cannabis use among young people. It is clear that the Cannabis NB website violates Health Canada's regulations on the promotion of cannabis, which state that it is prohibited to use the depiction of a person or to promote cannabis in a way that associates it with a way of life.

When she was informed of this problem, the Minister of Health, a member of Parliament from New Brunswick who has close ties to the Gallant government, refused to intervene. Why is the Trudeau government allowing Cannabis NB to break the rules the very first day cannabis is legal?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his vigilance in raising issues like this. The Government of Canada is committed to the strict implementation of the rules and the law as passed in this Parliament. The relevant departments are examining closely and ensuring that these laws will be followed. This is a process of implementation where I'm sure issues will emerge and will be brought to the attention of the government or the appropriate officials to be dealt with.

This is the beginning of a process that is so completely different from the unregulated, illegal and criminal aspect of this substance's distribution and consumption that it will not be perfect on day one, but the government will be vigilant.

[*Translation*]

Senator Carignan: Leader, yesterday, the president and CEO of the Société québécoise du cannabis guaranteed the lowest price for Quebecers. Today, Quebecers can buy cannabis for $5 a gram, but we learned last week that the black market adjusted and lowered its prices to $3 a gram.

Leader, do you think this approximately 40 per cent drop in price will cause drug use to go down or up?

[*English*]

Senator Harder: Let me point out to the honourable senator that the objective of the law as it begins today is to, for the first time, legalize and regulate the consumption of cannabis. And it is to take away the distribution of this product from organized crime both to assure the quality of the distributed product for

health purposes and also, frankly, to undermine the capacity of organized crime to benefit from the illegal consumption and distribution as it existed until this morning.

As the ministers made clear when we debated this legislation and as they repeated this morning, this will not be like a light switch where perfection was turned on at midnight and organized crime retreated with grace to other criminal activities. This is a process that will take some time. It is a process where all levels of government and enforcement are vigilant in ensuring success. And I would invite patience on the part of all Canadians to ensure that this is a regime of consumption and distribution that is respected, enforced and otherwise deals with the horrible consequences that we all lived through for the last 100 years.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-79, followed by all remaining items in the order that they appear on the Order Paper.

• (1500)

[*English*]

COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP IMPLEMENTATION BILL

SECOND READING

Hon. Sabi Marwah moved second reading of Bill C-79, An Act to implement the Comprehensive and Progressive Agreement for Trans-Pacific Partnership between Canada, Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.

He said: Honourable senators, I rise today to introduce Bill C-79, the implementing legislation for the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, otherwise known as the CPTPP. Given that this is a bit of a tongue twister, I shall occasionally refer to it as "the agreement."

As background, there is little doubt that there are many economic and societal benefits of trade. The former U.K. Chancellor of the Exchequer, George Osborne, noted that "The biggest single thing that has lifted people out of poverty is free trade."

Canada has always been a trading nation. For many reasons, Canada's prosperity is linked to accessing economic opportunities beyond our borders. Exports account for nearly a third of Canada's GDP and support one in five Canadian jobs. Canada relies on trade to produce long-term, sustainable opportunities and wealth for Canadians.

Today, over three quarters of our merchandise exports are to the U.S. However, in a time of rising anti-trade sentiments, the need for Canada to diversify its trade beyond North America is now even more important. Canada took its first big step to break away from the North American market with CETA, which opened up opportunities in the European Union, the world's second-largest market for goods.

Now, it is time for Canada to look across the Pacific Ocean. The bustling economies of Asia have become an increasingly important hub for global economic activity, and Asia is home to some of the world's most innovative and rapidly growing economies, forming an integral part of regional and global value chains.

To provide you with an overview of CPTPP, it is a comprehensive, modern free-trade agreement that will generate economic growth in Canada while upholding our belief in a rules-based international trading system. The agreement will translate into market opportunities for Canadian businesses of all sizes, in all sectors and in every part of the country. Once the agreement enters into force, Canada will become the first and only G7 nation that has a free trade agreement with all other G7 nations.

I would also note that the CPTPP is, from my perspective, a bipartisan effort. The bill before you is the result of the work of many individuals and groups, as well as the current and former governments. I want to acknowledge the efforts undertaken by former International Trade Minister Ed Fast, especially, as well as Ministers Champagne and Carr.

What is CPTPP exactly? It is a free trade agreement with 11 countries. It enhances our relationships with three existing free trade partners: Chile, Mexico and Peru. It also offers preferential access to seven new markets in the Asia-Pacific region: Australia, Brunei, Japan, Malaysia, New Zealand, Singapore and Vietnam.

This agreement will create the largest trading bloc spanning the Pacific Ocean, representing 495 million consumers — I repeat, 495 million — a market over 150 million bigger than the United States and 50 million larger than the trading bloc in CETA. In addition, these countries represent 13.5 per cent of global GDP. In 2016, Canada's merchandise trade with the 10 other countries amounted to $105 billion.

From a tariff reduction standpoint, over 86 per cent of tariffs will become duty-free immediately when it comes into force. Virtually all remaining tariffs will be phased out over a maximum period of 15 years. And upon full implementation, 95 per cent of tariff lines will become duty-free, covering 99 per cent of Canada's current exports. This agreement is projected to boost Canada's GDP by $4.2 billion over the long

term. Furthermore, Canadian exporters are projected to save $428 million a year on tariffs alone, as well as benefit from consistent rules and procedures.

Besides the opportunities created by exports and international trade, it will also lower prices and provide better selection for Canadian consumers.

Honourable senators, I want to clarify the differences between the Trans-Pacific Partnership, or TPP, and the CPTPP that is now before you. The Trans-Pacific Partnership agreement was concluded in 2015 between 11 countries as well as the United States. However, in 2017, the U.S. declared its intention not to ratify the TPP, and the 11 remaining members proceeded without them.

This agreement incorporates by reference the provisions of the TPP agreement with the exception of 22 suspensions. The suspensions focused, in particular, on intellectual property and investor-state dispute settlement, many of which were included in the original agreement at the insistence of the U.S. and were quite unpopular in the original agreement.

Canada is poised to benefit by almost $1 billion more under this agreement than under the TPP. Market access will be significantly better without the United States in the agreement, as it gives our exporters preferential access and the chance to displace American exports with Canadian ones.

Moving to the structure of Bill C-79, honourable senators, the implementation of this agreement requires a series of changes to be made to Canadian legislation. Bill C-79 is divided into three parts. Part 1 officially approves the agreement and provides for the payment by Canada of its share of expenses.

Part 2 amends a series of acts in order to implement Bill C-79. First, it amends the Export and Import Permits Act to include a CPTPP country in the definition of a free trade partner. It also amends the Financial Administration Act, the Trade-marks Act, the Investment Canada Act, to name a few. Finally, Bill C-79 contains amendments to the Customs Tariff Act to eliminate tariffs either immediately or in stages.

Part 3 of the bill contains coordinating amendments and the coming-into-force provisions.

I now wish to outline how this agreement is expected to impact various sectors of the Canadian economy. I shall start with industrial goods.

This agreement will eliminate nearly 100 per cent of tariffs on Canadian industrial goods, including metals and minerals, industrial machinery, medical devices and construction equipment, to name a few. Tariff elimination is a big plus for this sector. From 2015 to 2017, Canadian exports of industrial goods to CPTPP countries were, on average, $12 billion per year, and this sector employed 1.2 million people. Given that Japan and Mexico account for two thirds of exports for Canadian goods, tariff reduction should give a big boost to growth and employment.

Next is forestry. Canada is a world leader in exporting lumber, newsprint and wood pulp. This agreement will eliminate tariffs on all Canadian exports of forestry and value-added wood products. Key market access gains for Canada are Japan, Malaysia and Vietnam, where Canada does not have bilateral free trade agreements. As a result, the Forest Products Association of Canada has expressed its support for this bill.

Moving to agriculture and agri-foods, in 2016, Canada's agriculture and agri-food sector employed close to 2.3 million and accounted for close to 7 per cent of Canada's GDP. Canada is the fifth-largest exporter of agricultural and agri-foods globally. This sector's exports to CPTPP were worth $6.9 billion annually. When Bill C-79 comes into force, more than three quarters of agriculture and agri-food products will benefit from immediate duty-free treatment. The tariffs on many other products will be phased out gradually. Examples of affected products include beef, wheat, pork, maple syrup, et cetera.

The measures contained in the agreement are supported by a number of agricultural and agri-food groups. They include the Canadian Canola Growers Association, the Canadian Cattlemen's Association, the Canadian Meat Council and the Canadian Pork Council, and many more.

For fish and seafood, the agreement will also eliminate 100 per cent of tariffs on Canadian fish and seafood products. Hence, groups such as the Fisheries Council of Canada and the BC Seafood Alliance are supportive of the agreement, since it makes Canadian exports of a wide range of products more competitive.

For the automotive sector, the impacts of this agreement are a bit complicated. First, I would point out that roughly 90 per cent of vehicles produced in Canada are exported, and of that amount, 96 per cent are exported to the United States. Given this, Canadian auto manufacturers will continue to source the majority of their parts from within North America, and CPTPP will have minimal impacts on North American auto supply chains.

Second, only 30 per cent of vehicles sold in Canada are produced in Canada, and the U.S., Mexico, EU and Korea already have preferential access to the Canadian market. Hence, a large proportion of any gains from imported vehicles from Japan as a result of this agreement is expected to come at the expense of suppliers in other countries.

• (1510)

On the plus side, since the vast majority of Canada's vehicle production is for export to the U.S., this agreement will support diversification by providing access to new markets in the Asia-Pacific region. From 2014 to 2016, Canada exported an annual average of $721 million worth of motor vehicles to CPTPP countries, and this has the potential to grow.

According to an analysis conducted by the Office of the Chief Economist at Global Affairs Canada, Canada is expected to see an overall increase in motor vehicles and parts exports of $255 million. Imports of motor vehicles and parts, on the other hand, are expected to rise by only $84 million, or 0.07 per cent.

In summary, the impact of the tariff reductions from this agreement on the Canadian auto industry is expected to be limited.

On investment, the CPTPP will also spur new investment opportunities both within Canada and abroad. Economic modelling conducted by Global Affairs Canada predicts that Bill C-79 will spur an additional $810 million worth of investment into the Canadian economy.

In addition, the investment obligations are backed up by a fair, impartial and effective investor-state dispute settlement mechanism. This will facilitate increased Canadian investment in the Asia-Pacific region by creating a fair and predictable investment environment. For example, Canadian businesses and investors will be protected from expropriation or nationalization without compensation and eliminate unfair requirements which favour domestic industries.

For the environment, the environment commitments outlined in Bill C-79 are designed to help ensure that environmental protection is upheld as trade is liberalized and to prevent countries from lowering environmental standards to promote trade and investment.

The CPTPP environment chapter establishes a binding and enforceable dispute resolution process. In fact, the enforcement of the environment chapter through this mechanism is a first for Canada.

On temporary entry and labour mobility, the agreement provisions on labour mobility will also make it easier for short-term business visitors, intra-corporate transferees and highly skilled professionals to work and conduct business in Canada.

The labour chapter includes obligations to protect and promote internationally recognized labour principles and rights; specifically, parties are required to ensure that their national laws and policies also protect the fundamental principles and rights at work, including the right to freedom of association and collective bargaining and the elimination of child labour, forced labour and compulsory labour.

On Indigenous issues in this agreement, Canada sought chapter-wide exceptions and exclusions with respect to Indigenous rights. The Government of Canada has been actively reaching out to Indigenous partners to seek their views on Canada's trade agenda, including this one.

In September 2017, the department established a dedicated working group of over 60 Indigenous partners that has allowed officials to engage in constructive dialogue with Indigenous peoples on trade and investment. The Indigenous working group has met 31 times since inception.

Officials worked in close collaboration with the working group to develop a model trade and Indigenous peoples chapter that has been proposed by Canada in the context of all free trade agreements.

Non-tariff measures are also specifically included in Bill C-79. Provisions regarding technical barriers to trade will help to ensure that unnecessary or discriminatory regulatory requirements do not erode key market access gains negotiated elsewhere.

The agreement also has disciplines that help to enhance transparency and promote regulatory cooperation. This addresses one of the top concerns of Canadian businesses. These new rights and obligations will help to ensure that Canadian exports will not be undermined by unnecessary or unjustified trade restrictions.

On service providers, Canadian service providers will also benefit from preferential market access in many sectors of importance to Canada's economy, including professional, construction, environmental, transportation, and research and development services. Canada's service exports to our CPTPP partners were worth over $6.6 billion in 2016 but still accounted for only 6 per cent of Canada's total trade in services. This means that there is a great potential for growth in markets like Japan, Malaysia and Singapore, to name a few.

There are also smaller sectors that would gain, such as government procurement, which will allow Canadian companies to compete equally with domestic suppliers for contracts and services.

The agreement also includes a chapter on small and medium businesses, which is a first for Canadian free trade agreements. This will make it significantly easier for Canadian SME's to explore and navigate these markets through various provisions such as improved transparency and fair business practices.

On intellectual property, or IP, the agreement contains a comprehensive IP chapter that builds on existing international treaties. The agreement establishes a clear and predictable standard for IP rights holders and investors operating in the Asia-Pacific region.

In terms of policy flexibility, each country has reservations for sectors or activities where it wishes to retain policy flexibility now and in the future. This allows Canada to maintain its own policy flexibility in sensitive areas such as Indigenous and minority rights, culture and social services.

For example, under the state-owned enterprises chapter, Canada maintained an exclusion for the CBC, Telefilm Canada and future culture-related Crown corporations.

Lastly, there is one sector that could be negatively impacted by the tariff reductions in this agreement, and that is the supply-managed sector. Honourable colleagues, I know many of you are engaged with stakeholders in supply-managed sectors. Under CPTPP, the three pillars of Canada's supply management system — production controls, import controls and price controls — will remain intact.

Production in Canada's supply-managed sectors will continue to be based on import volumes and consumption patterns, and prices will continue to be set at a level that ensures producers get a fair return on their labour and investment.

Imports from CPTPP markets will be administered through tariff-rate quotas or, TRQs, maintaining the predictability needed to determine domestic supply requirements for production.

However, limited market access has been provided to CPTPP countries for dairy, poultry and egg products, and it will be phased in over five years. Nevertheless, combined with the outcome under CETA, Canadian producers will still supply 91.1 per cent of the poultry market and 92.3 per cent of the dairy market, or more in the event that a TRQ is not filled.

With regard to future compensation, my understanding is that the Prime Minister's recent commitment to compensation would encompass not only the impact of the USMCA but also this agreement.

I note that a number of senators have recently engaged dairy industry stakeholders from a number of provinces on this issue. From these conversations, the message I have heard, which I have communicated to the government, is that dairy producers are asking for a program that is universal, easily applicable and long-term in scope.

Honourable colleagues, as I mentioned at the outset, Bill C-79 benefits all provinces. These range from Newfoundland and Labrador, where 72 per cent of exports were from the metals and minerals sector. These exports will now see tariff reductions of 40 per cent in places such as Vietnam, which is their top Asian market.

P.E.I., New Brunswick and Nova Scotia will have greater opportunities in fish, seafood products and the agri-food sector.

Quebec and Ontario would benefit from tariff reductions in industrial goods, metals and minerals, aerospace and agriculture, to name a few.

For Manitoba, Saskatchewan and Alberta, there would be improved access for agriculture, agri-foods, canola oil and seed, wheat, beef and pork.

Lastly, B.C.'s mining and mineral products such as copper and aluminum will benefit as will forestry producers of lumber, board and newsprint.

The last piece of this agreement, which is very important, is the ratification timeline.

Honourable senators, it is of critical importance for Canada to implement and ratify the agreement as soon as possible. The CPTPP will enter into force 60 days after six of the signatories have ratified the agreement. To date, three have done so and some others appear to be imminent. Being among the first six countries to ratify the agreement would allow Canadian business to capture a first-mover advantage, thereby establishing themselves in important supply chains early on.

A concrete example of this first-mover advantage is in the area of Canadian beef and pork exports to Japan. If we are part of the agreement when it first comes into force, our beef and pork exporters will have the first crack at using their preferential market access to displace U.S. exports, which will be at a higher tariff. If other countries are able to gain first-mover advantage before Canada, then Canadian exporters will have a more difficult time gaining market share.

• (1520)

I quote from a letter that all of you would have received, signed by five major industry groups. It says:

> Time is of the essence. If we miss the timeline then the tariff reduction schedule on our exported beef and pork is pushed back. This represents money in the pockets of Canadian farmers that we cannot afford to lose.

In conclusion, honourable senators, Bill C-79 is good for Canada because it will provide Canadian businesses with new commercial opportunities in the fast-growing Asia-Pacific region and increase economic growth in Canada.

The agreement will set a high standard for rules on trade and investment, and Canada can ensure it is at the forefront of a robust, predictable and rules-based international trading system which has contributed to our prosperity in the past.

In fact, a number of additional economies have already indicated an interest in becoming part of CPTPP. These include our existing free trade partners, such as Colombia and Korea, as well as other large markets like Thailand, Taiwan and the United Kingdom. This means that Bill C-79 will not only provide benefits for the Canadian economy today but will also open up additional commercial opportunities once new members join in the future.

Honourable senators, the Leader of the Opposition in the other place is supportive of this legislation. I agree with his comment that:

> . . . Canada needs to diversify its export market now. There is no time to wait.

I also share his opinion that:

> Given the importance of this bill to Canadian livelihoods, it is crucial to the public interest that Canada ratify the CPTPP as soon as possible.

I hope everyone in this chamber joins me in supporting Bill C-79 so that we can begin to reap the benefits as soon as possible.

Thank you.

Hon. Robert Black: I have a question. Would you take a question?

Senator Marwah: Gladly.

Senator R. Black: My hope is that this bill will pass and receive Royal Assent by the end of the month, obviously. I would ask the honourable senator about the need for Canada to be one of the first six to ratify the CPTPP in order to take advantage of, as you said, the preferential access and immediate tariff reductions, which would take place December 31, 2018, and again on January 1, 2019.

It is my understanding that, to date, Mexico, Japan and Singapore have ratified the CPTPP, and it will come into force, as you have noted, when 6 of the 11 countries have ratified it. That leaves ourselves, Australia, Brunei, Chile, Malaysia, New Zealand, Peru and Vietnam.

We have already heard, I believe, that two of these remaining eight countries are close to finalizing their own domestic procedures to implement CPTPP commitments and will soon be ready to formally ratify the agreement by notifying CPTPP's depository. Organizations like the Canadian Cattlemen's Association, the Canadian Pork Council, the Canadian Canola Growers Association and the Grain Growers of Canada have discussed —

An Hon. Senator: Question.

Senator R. Black: — not only with me, but with others, the need to be one of the first six. Can you please elaborate further on the urgency to ratify this agreement and fast-forward?

Senator Marwah: Thank you, senator. You are right. That is an important and critical question.

As you know, three countries have ratified it, and I understand that breaking news is that Australia ratified it today, so that is four of the six.

The agreement comes into force 60 days after six countries have ratified it, so the impact and urgency depend on several factors: which of the six countries ratify it, whether they ratify it in 2018 or 2019, whether Canada is one of the first six, or how soon after the six Canada goes in. The impact is very difficult to predict, but needless to say, the sooner the better because if we don't get it done in time, we run the risk of getting into the agreement after the others have, possibly, up to a one-year head start against us. The sooner we get it done the better.

Hon. Diane F. Griffin: Would the honourable senator take a question?

Senator Marwah: Gladly.

Senator Griffin: Recently, I have had conversations with dairy farmers, especially in the Atlantic region. They are concerned about what will happen in the United States in the future. There are two agreements, of course. There is NAFTA 2, so to speak, and the CPTPP that will impact them. What they are concerned about is that the United States, in the future, may decide to join the CPTPP and would have access to more quota than they would have if they were party to only one agreement, as the other members of the agreement, like Australia and New Zealand, will not fulfill the quota for fluid milk.

Would you be able to clarify whether it is the Government of Canada's intention to prevent double-dipping of a dairy quota by the United States with respect to joining both agreements?

Senator Marwah: Thank you, senator, for that question. It's difficult to predict when and whether the U.S. will join the CPTPP. Keep in mind that when they join CPTPP, it has to be ratified by all 11 countries, and there will be negotiations at that time regarding the conditions under which they go in. It is difficult for me to predict whether they will be allowed to double-dip or whether they will be confined to the dairy quota that comes from the USMCA.

I would imagine that the quota is there, but regardless of how much they take, the fact is Canadian dairy producers will still supply over 90 per cent of the market for poultry as well as dairy. That will remain the same, so the cap is the same except that the TRQs may or may not get filled if the U.S. comes into CPTPP.

Hon. Larry W. Smith (Leader of the Opposition): I would like to congratulate Senator Marwah on an excellent presentation in terms of the thoroughness with which he attacked disclosing this information to our colleagues.

I feel a tremendous sense of urgency to beat the clock and make sure that we can get this to committee.

I am rising to speak today on Bill C-79, An Act to implement the Comprehensive and Progressive Agreement for Trans-Pacific Partnership between Canada, Australia, Brunei, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam, otherwise referred to as the comprehensive and progressive agreement.

I would trust you would allow me not to get my PPs mixed up with the CPP and TPP, et cetera.

[*Translation*]

Honourable senators, I am very pleased that this bill has finally made its way to the Senate. The CPTPP replaces the original TPP signed by the previous government and represents a unique opportunity for Canada to enter into a free trade relationship with 11 major Asia-Pacific economies. Canada already has free trade with some of these nations under bilateral pacts signed by the previous government.

[*English*]

Senators, I am pleased that this bill has finally arrived in the Senate Chamber. It is the successor to the original TPP agreement signed by the previous government. It represents a tremendous opportunity in that it permits Canada to enter into a free trade relationship with 11 key economies in the Asia-Pacific region.

With some of these states, Canada already has a free trade relationship, largely due to the vigorous pursuit of such bilateral arrangements under the former government.

However, some of these relationships we will enter into under this new agreement are entirely new and present Canadian businesses with completely new market opportunities. The new deal is essentially an update on the former TPP agreement negotiated; these discussions concluded in 2015.

Regrettably, on November 22, 2017, the United States indicated that it would not enter into the TPP. This led the other 11 countries who were party to the TPP to proceed without the U.S. and, ultimately, bring the new CPTPP into force.

The CPTPP countries have a collective population, as Senator Marwah outlined, of 495 million people and a combined gross domestic product, or GDP, of CAD$13.5 trillion — and I hope I have the right numbers in terms of the global GDP. This market represents a tremendous opportunity for Canada.

As the provisions unfold, it will eliminate 95 per cent of tariff lines among the parties, governing 99 per cent of current Canadian exports to partner countries.

Ratification of this deal is predicted to grow our economy, as outlined, by $4.2 billion through preferential access to these markets. Canadian imports from and exports to the 10 other countries involved account respectively for imports of $72.5 billion and exports of $31.5 billion in 2016. The expected gains from this new deal will benefit a wide range of sectors including financial services, fish and seafood, forestry, agriculture, agri-food, metals and minerals, which Senator Marwah so neatly described.

• (1530)

Given the significant benefits to Canada that will come with this deal, I am very surprised at how long it has taken to get this deal to move this legislation forward. As honourable senators will be aware, the Leader of the Opposition Andrew Scheer called on the government to recall Parliament over the summer in order to expedite Canadian ratification. Regrettably, the request was rejected by the government. The government has continually emphasized that it is important for Canada to be among the first six countries to ratify the deal. That is because the first countries to ratify will be instrumental in determining the pace at which tariffs are reduced for those who ratify later. If we are not in this first class of six, then Canada's competitors will benefit, as has been outlined from tariff reductions, while Canadian companies will face higher barriers. Ratifying now means that Canadian companies will have a greater opportunity to become a supplier of choice in these important markets.

Testifying before the international trade committee of the House of Commons on September 20, the chief Canadian negotiator Bruce Christie noted that New Zealand, Australia, Chile and Vietnam are expected to complete ratification processes by the end of November. This was outlined as one of the issues. When will the other countries of the top six get their deals done and get back? I would assume this is a close race at this time.

I very much agree that time is of the essence. I only wish that the government had demonstrated real commitment on the issue and maybe acted a little faster. From the perspective of the work done in the Senate, we are now faced with a very rushed process.

Colleagues, I'm sure you will agree that this chamber has a very important role to play in scrutinizing legislation that comes before us in examining the issues that may have been missed in the other place, thus the reason for having a Senate in which we are all involved.

That process will not be as thorough as it may have been otherwise in relation to this agreement in legislation. I'm not going to comment on the other place in terms of the work and quality of work done. However, we have been placed in a position where we have to act. We shouldn't delay any longer than necessary. We all need to be cognizant about that as we go through the process.

The Senate is now tasked, due to the government's situation, with ensuring that Bill C-79 is reviewed with due diligence that a bill of this magnitude requires while acting under regrettable time constraints. There are many issues that will need to be examined in a short period of time including the implications of the agricultural provisions of the agreement, particularly in the context of new market access granted to U.S. suppliers under the recently concluded USMCA provisions related to the auto sector, implications of side letter agreements concluded between Canada and the other member countries, and other issues. According to the Government of Canada website, all CPTPP countries have side instruments or agreements involving Canada. This means that the Standing Senate Committee on Foreign Affairs and International Trade is faced with the unenviable task of examining the most important implications of these side agreements, but in a truncated timeframe.

While I'm pleased that the deal is before us, I'm disquieted about the broader policy environment the government is creating relating to Canada's competitiveness and our ability to access and supply global markets. To be sure, the government has taken the cosmetic steps. It has appointed a newly titled Minister of Trade Diversification but, despite the title, it is unclear that there is any real understanding about what true trade diversification involves and what it takes to promote and secure economic competitiveness. Trade diversification is a rhetorical goal, but what is the government doing to position Canada for success in the Asia-Pacific marketplace? What is its strategy for ensuring tax competitiveness? How is it reducing the regulatory burden on Canadian businesses? These are all realistic questions. Even as it preaches trade diversification, the current government is introducing legislation which will actually deter international investment.

The measures proposed in legislation such as Bill C-69 and Bill C-48 will make it almost impossible to take advantage of new markets and successfully export Canadian oil to East Asia, a region hungry for such exports. Knowing what percentage that energy plays in our economy is important in a deal like this because this deal provides a huge opportunity for oil exports or natural gas.

I have yet to see any concrete plan from the government for completing the Trans Mountain pipeline expansion. Trans Mountain remains in limbo and the government has taken decisive steps to kill the Northern Gateway project exactly when such a project is most needed. If these projects had been completed, then we could accelerate a higher volume of business into this new deal we are going to sign. I'm only thankful that the former government laid the foundation for initiatives such as the CPTPP so at last this opportunity is not lost to us.

I hear some commentary from the other side, but we can be a little introspective and look at the good and bad side. But even here, the government came close to putting the gains of this new

deal at risk. Some may have forgotten Prime Minister Trudeau's decision in November of last year to skip a key international meeting related to this deal because he said he wasn't ready to sign the deal. That move nearly snatched defeat from the jaws of victory but, thankfully, the process was sufficiently well advanced for Canada to recover.

These are things we have to analyze in terms of success and things we could do better next time. Because of this mixed record, we in the Senate now have an opportunity to signal through expeditious action that Canada remains open for business.

I look at this as a great opportunity for our Senate to make a major contribution. We have made major contributions to Bill C-45, to assisted dying, a to many of the bills that we have passed, but this is another big step for us. Let's be honest and assess the good things we could do better to get this done properly.

The CPTPP will clearly benefit Canadians and Canadian businesses. It will help diversify and grow our economy and help to create good, well-paying Canadian jobs. We are all in agreement with that. Of course, people in the past have done heavy lifting and Ed Fast should get credit from all sides because he did a hell of a job in making this come to fruition.

We should follow through and do our part to ensure Canada is as well positioned as possible to benefit from this important deal.

Quick summary: We have a sense of urgency, we need to act expeditiously. It is not about acting impulsively, it is about acting and get this done. This is important. We want to know now that we are going to beat the other three or four who are trying to get in in front of us.

Hon. Percy E. Downe: I wanted to put in a note of caution. Senator Marwah has given an excellent speech about the importance of the deal we have before us and the importance of timing. However, my colleague from Prince Edward Island, the chair of the Agriculture Committee, has raised one concern and there are a host of other concerns. Maybe it's unique to Prince Edward Island, but the 165 dairy farmers on Prince Edward Island have been very active and very concerned about parts of this deal, about the deal with CETA and the upcoming American deal.

There is a legitimate argument, and Senator Marwah and Senator Smith have advanced it well, for getting this done. Let's not delay it. There are all kinds of opportunities. But colleagues, this is the chamber where we often have to look carefully at what the House of Commons has done and review what they have done carefully.

This is a trade deal the Government of Canada entered into, has the other place conducted a proper review and study of it? Do we have any suggestions? I appreciate it's almost impossible to amend it; you have to accept or reject it. I will go back to something I have said many times before, and from the time I was first appointed, the issue of the Veterans Charter which happened many years ago. Then Prime Minister Martin, then Leader of the Opposition Harper and then NDP leader Layton, all went overseas and went to a moving ceremony for veterans in Europe. On the plane flying home, the Prime Minister and all agreed they would pass the Veterans Charter and it was done with the best of intentions. Nobody in Parliament is opposed to assisting veterans and their families. It was rushed through the House of Commons, it was introduced in the other place. It was never referred to a committee in the House of Commons for study. There was one speaker in the House of Commons, the Minister of Veterans Affairs. The speech consisted of three sentences, and then motion agreed to, bill read the second time, considered in committee, reported, concurred in, read the third time and passed. The whole debate in the House of Commons over the New Veterans Charter took two minutes.

• (1540)

Then it came to the Senate, the chamber of sober second thought, where all of us are so proud of the work we do in committees. I'm looking at Senator Andreychuk, whose Standing Senate Committee on Foreign Affairs and International Trade will get this bill, and they do outstanding work. But we are very proud of the committee work here. This bill came to the Senate, and what did we do? We had first and second reading on the same day. It was agreed that there would be only one speaker and a half hour of questions, and then the bill was referred to committee.

Now one would assume the New Veterans Charter would go to the Veterans Affairs Subcommittee or, failing that, the National Defence Committee. But senators decided that because we wanted to do the right thing and rush it through — we didn't want to hold up veterans or their families or dependents — we would send it to the next Senate committee that was sitting. That was the Finance Committee. In other words, it was the next committee on the schedule, so we sent it there. It could have been Agriculture, but it went to Finance. I happened to be on that committee at the time. We had one meeting. There we had passage and it was sent back to the Senate.

I cast no dispersions on anybody: the Prime Minister, the Leader of the Opposition, NDP leader Jack Layton, all the people in the House of Commons and all the people in the Senate. We all thought we were doing the right thing. We weren't holding it up; we were not going to delay it. We were going to assist people who needed the help. But the reality is that we failed to do our duty in the Senate. We did not carefully study the legislation. We did not correct any mistakes in the legislation. We were rushing to do our job when it is precisely our job not to rush.

The New Veterans Charter, as all those who followed this will know, did not work as planned. As a result of our failure, veterans and their families paid and continue to pay the price today. We are still working. The Department of Veterans Affairs and the government is still working to fix the veterans charter. Our job in the Senate is the careful scrutiny of legislation, and that takes time, unfortunately. It takes time to hear witnesses; time to study the bill; time for senators to reflect on what they have heard; time to discuss the legislation with the affected groups in our provinces and regions, and seek the views of citizens. Rushing legislation as important as this does not serve Canadians.

I want to conclude with a quote from the Finance Committee of the Senate that ended up receiving the New Veterans Charter. Retired Captain Sean Bruyea was at that meeting, and he — this is public information — suffers post-traumatic stress disorder. He said at that meeting:

> We all know that the government wants to be seen as honouring veterans, but that does not necessarily mean that their veterans charter is free of errors. In fact, given that the veterans' contribution to society is defined in many ways as timeless, one must ask, why is there such a rush to force something through in only two days after Veterans Affairs Canada has been dragging its heels for more than 15 years? We believe disabled veterans and the CF would rather have it right than have a flawed and unjust charter right now.

We failed, obviously, as the Senate, in the oversight role of the veterans charter. Let us answer those who would have us deal with bills right now by setting out to do it right and with however much time it takes.

I have another example that is more recent. That was back in 2005.

At the November 22, 2016 meeting of the Senate Foreign Affairs Committee, of which I was a member at the time, then International Trade Minister Freeland testified in support of enabling legislation for a World Trade Organization agreement Canada had signed. As is often the case, there was the desire to pass the legislation quickly. The minister said:

> . . . I believe Canada should ratify it as quickly as possible . . . .
>
> . . . for the TFA to come into force, 108 WTO member countries need to ratify it. Right now, 96 countries have ratified the TFA. It's really important for Canada's status as an effective and energetic participant in the multilateral trade community and in the WTO to be one of the countries whose ratification of the TFA acts to bring it into force.

It bears noting that at this point the bill had been in the Senate five weeks, but it took 27 weeks for it to go through the House of Commons — a bill, I might add, that enjoyed the support of all the parties in the house, so the need for energetic participation was rather late in coming to the Senate.

I asked the minister about the need for such a tight timetable:

> If Canada ratifies after the 110, we're still members of it and I appreciate there is some face saving, as the minister indicated earlier, but does the minister anticipate 14 countries to ratify in the next week?

The minister responded, "Absolutely." And when I questioned that, she said:

> Yes. Everyone has been acting on this.

In other words, it was crunch time and we had better act quickly.

In light of minister's sense of urgency, we had one more meeting, reported back on November 24, and it was passed in this chamber on November 30 — a total of seven weeks in this chamber, a quarter of the time it spent in the House of Commons. And when did they finally get the 110 ratifications? It was February 22, 2017, three months after the minister said she was absolutely sure that it would only take a week.

The purpose of this story is not to disparage the minister's judgment or prediction power. She was merely doing her job, and it is the job of the ministers and the government to try to get the legislation passed as quickly as they can. But that is not our job. Nowhere in the Constitution does it say that the purpose of the Senate is to pass government legislation or private members' bills as quickly as possible. No matter how good a bill's proponents think it is, there is always need for study.

Let us remember that as we go forward, colleagues. One area I'm particularly interested in with this bill is the significance of the government signing so many trade deals, but then having the impact on our trade balance. I'm looking at the most current statistics from Industry Canada. Of the 12 recent trade deals we've signed, our balance of trade has deteriorated in two thirds of them. So the Government of Canada is obviously very good at signing deals, but with the second part of the equation — maybe Senator Marwah can address this and find out from the government before he appears before the committee — what are they doing to prepare Canadian businesses to take advantages of opportunities when we sign these deals?

For example, our trade deficit with Mexico the year before we signed NAFTA was $2.9 billion, and in 2017 it was minus $27 billion. Israel is the same thing. With Chile, we had a surplus of $73 million before we signed the trade deal; last year we had a deficit of $1.1 billion. It is the same with Costa Rica. The list goes on. These are some of the questions I am interested in.

I appreciate the urgency and it may very well be that we pass it quickly, that our answers are secure. But we should make sure we know what we are passing and take our time to do the job.

Hon. Serge Joyal: Honourable senators, no one will be surprised if I confess that I have no particular expertise in the agricultural field, but you may have read the published article this morning by Senator Miville-Dechêne "*L'Inquiétude des producteurs laitiers est justifiée*." I'd like to refer you to it because I think it is an important element of the discussion and I want to bring it to your attention. This was published in the journal *La Presse* at page 7:

• (1550)

[*Translation*]

> Three parts of the new agreement will affect Canada's dairy producers, half of which — over 5,300 farms — are in Quebec.

[*English*]

I happen to be a senator from Quebec, from a rural district. As I said, I have no special expertise in agricultural policy, but one thing that I understand is simple: Half of the farmers in Canada will be hit by the concessions that were given in three international agreements, the CPTPP, the European agreement and of course the agreement that was entered into with the United States.

The industry that has been hit is the farmers' industry. That industry is concentrated half in Quebec. The rest is in Ontario, in P.E.I., as Senator Griffin has said, and in Manitoba. The government promised that they would be compensated. I pay respect to the government of Stephen Harper, who started the negotiation of TPP. During the election three and half years ago, a promise was made by the government of the day that they would be compensated because they were hit, and it's fair that if a benefit is being realized for all of Canada, those hit by the agreement should be compensated.

My plea today is that when this agreement is reviewed — and I'm addressing myself to Senator Smith, who is a senator from Quebec as I am, and we speak for the whole of Quebec as much as we speak for our specific districts from which we have been appointed in this chamber — and I would plead with the committee that will review this agreement to pay special attention and give a voice to the representatives of the farmers so that the compensation that was promised for the TPP three and half years ago, the compensation promised a year and a half ago for the European trade agreement and now what has been promised to them following the agreement with United States be evaluated. This chamber must be the voice of the farmers — wherever they produce their milk, their eggs or whatever they sell and help us to feed — so that they are heard and so that the system of compensation is followed up and they are treated fairly.

And I think that we owe that to them — and in Saskatchewan also, senator — because they are the ones hit by those agreements that we all applaud. I'm the first one to applaud the TPP, as much as I applauded the negotiation entered into by the Harper government under the European deal and as much as we applauded that we finally ended up with an agreement with the United States. But we owe it to those who will be hit to be fairly compensated and that the commitment given by the government is a real commitment. We could follow up as a chamber to make sure that that minority has its voice heard in the haste and fast track that you want to deal. But we should not forget that those deals are borne, I should say, more than they should be by a certain group of the farming sector, and I think we should make sure they are fairly compensated.

I rely on the senators who are members of the Agriculture Committee or the Foreign Affairs Committee to make sure that the farmers are heard, that they are invited to testify. In our haste to agree with the principles of the bill — we all agree with the principles of bill — that's the issue we want dealt with. I plead with you for that, honourable senators, although I confess sincerely that I'm no expert on that, but I understand simple statistics. In my opinion, that needs to be acted upon.

Hon. Patricia Bovey (The Hon. the Acting Speaker): Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Acting Speaker: It was moved by the Honourable Senator Marwah, seconded by the Honourable Senator Wetston, that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Marwah, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

[*Translation*]

CUSTOMS ACT

BILL TO AMEND — SECOND READING — DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Coyle, seconded by the Honourable Senator Pratte, for the second reading of Bill C-21, An Act to amend the Customs Act.

Hon. Marc Gold: Honourable senators, as you know, these days I spend a lot of time thinking about the relationship between national security and the constitutional right to privacy. In my opinion, it is absolutely essential that we find the right balance between our safety and our rights.

That is why I want to speak today to Bill C-21, An Act to amend the Customs Act, which, in its own way, contributes to strengthening our national security while respecting our privacy rights.

The border between Canada and the United States is often described as the world's longest undefended border. However, that does not mean there are no controls. Travellers going to the United States have to show their passports at the airport to U.S. customs officers, who record the entry into the United States. More specifically, they record the last name, first name and initials, date of birth, citizenship or nationality, sex, and travel document number. Meanwhile, the Canada Border Services Agency does not have the authority to collect this information directly from Canadians leaving Canada. This is a flaw in our border system that has persisted for many years, a flaw that Bill C-21 proposes to address.

As you may know, many other countries, including our Five Eyes allies, already compile what is commonly known as exit data. With Bill C-21, Canada will catch up to the other countries and fill that gap. Furthermore, the bill will enable Canada to follow up on the commitment it made in the Beyond the Border Action Plan in 2011 to implement an integrated entry and exit system between Canada and the United States, where entry information from one country would constitute the exit information from another.

As Senator Coyle explained when introducing this bill, the information being gathered is simple biographical data that can be found on page 2 of our passports. Nothing more. But while American officials collect this information every time a traveller crosses the border, there is nothing in the Customs Act to allow Canadian officials to compile biographical data on outgoing travellers. Bill C-21 would authorize the collection of this information on all travellers, including Canadians, who leave or have left Canada.

How will the system work? With certain modes of transportation, a designated individual, such as an official from a bus company for example, would disclose to the CBSA the scheduled route and the biographic information of the passengers who are on board or are expected to board. In addition, American border agents would share the exit data they gather on their side under a memorandum of understanding.

Furthermore, once Canadian law allows it, exit data will also be shared with the CBSA's federal partners to strengthen national security, ensure that the law is enforced, and improve the integrity of Canada's citizenship and immigration programs and travel documents regime.

• (1600)

[*English*]

Honourable senators, in my view, enabling Canadian and U.S. authorities —

The Hon. the Acting Speaker: Honourable Senator Gold, I am sorry to interrupt you. Your time will be reserved for the next sitting.

Honourable senators, we have now reached four o'clock. Pursuant to the order adopted on February 4, 2016, I must interrupt the proceedings for the purpose of suspending the sitting until 5:30, at which time the Senate will proceed with the taking of the deferred vote on the subamendment to Bill S-203, moved by Senator Tkachuk and seconded by Senator Andreychuk.

The bells will begin ringing at 5:15 p.m. to call in senators for the vote.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—MOTION IN SUBAMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Gold, for the third reading of Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins), as amended.

And on the motion in amendment of the Honourable Senator Tannas, seconded by the Honourable Senator Batters:

That Bill S-203, as amended, be not now read a third time, but that it be further amended,

(*a*) by adding the following after clause 6 (added by decision of the Senate on April 26, 2018):

"Exemption

7(1) Section 445.2 of the *Criminal Code*, section 28.1 of the *Fisheries Act* and section 7.1 of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* do not apply to a person whose name appears in the schedule to this Act.

(2) If the Governor in Council is of the opinion that it is in the public interest, the Governor in Council may, by order, add a name to or delete a name from the schedule.

(3) In determining whether it is in the public interest to add a name to or delete a name from the schedule, the Governor in Council must take into account whether a person

(a) conducts scientific research in respect of cetaceans; or

(b) provides assistance or care to or rehabilitates cetaceans."; and

(*b*) by adding the following schedule to the end of the Bill:

"**SCHEDULE**

(Section 7)

Designated Persons

The Ocean Wise Conservation Association (Vancouver Aquarium)".

And on the subamendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Andreychuk:

That the motion in amendment moved by the Honourable Senator Tannas be amended, in paragraph (*a*), by replacing subclause 7(2) with the following:

"**(2) On the recommendation of the Minister designated for the purpose of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*, the Governor in Council may, by order, add a name to or delete a name from the schedule if the Governor in Council is of the opinion that it is in the public interest to do so.**".

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Andreychuk:

That the motion in amendment moved by the Honourable Senator Tannas be amended, in paragraph (a), by replacing subclause 7(2) with the following:

"(2) On the recommendation of the Minister designated for the purpose of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, the Governor in Council may, by order, add a name to or delete a name from the schedule if the Governor in Council is of the opinion that it is in the public interest to do so.".

Subamendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Batters	McIntyre
Beyak	Mockler
Boisvenu	Neufeld
Carignan	Ngo
Dagenais	Oh
Doyle	Patterson
Frum	Plett
Housakos	Seidman
MacDonald	Smith
Manning	Tkachuk—23
Martin	

NAYS
THE HONOURABLE SENATORS

Bellemare	Harder
Bernard	Hartling
Black (*Ontario*)	Joyal
Boehm	Lankin
Bovey	Lovelace Nicholas
Boyer	Marwah
Brazeau	Massicotte
Busson	McCallum
Christmas	McPhedran
Cordy	Mégie
Cormier	Mercer
Coyle	Mitchell
Dalphond	Miville-Dechêne
Dasko	Munson
Day	Omidvar
Deacon (*Nova Scotia*)	Pate
Deacon (*Ontario*)	Petitclerc
Dean	Pratte
Duffy	Ravalia
Dyck	Saint-Germain
Forest	Sinclair
Gagné	Verner
Galvez	Wetston
Gold	Woo—49
Griffin	

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THE HONOURABLE SENATORS

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(At 5:37 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)

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